UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/1/Add.1
8 November 1993

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Fiftieth session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

CONTENTS*

Item		Paragraphs	Page
1.	Election of officers	1	1
2.	Adoption of the agenda	2 - 3	1
3.	Organization of the work of the session	4 - 13	1
4.	Question of the violation of human rights in the occupied Arab territories, including Palestine . . .	14 - 20	3
5.	Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts	21 - 24	3
6.	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa	25 - 28	4

* This table of contents is based upon the draft provisional agenda for the fiftieth session as considered by the Commission at its forty-ninth session (E/1993/23-E/CN.4/1993/12, Chap. XXIX), with the addition of the indicative subheadings found in the text of the annotations for ease of reference.

CONTENTS (continued)

Item		Paragraphs	Page
7.	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development	29 - 37	5
8.	Question of the realization of the right to development	38 - 40	6
9.	The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation	41 - 48	6
10.	Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:	49 - 90	8
	(a) Torture and other cruel, inhuman or degrading treatment or punishment	73 - 79	12
	(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	80	13
	(c) Question of enforced or involuntary disappearances	81 - 85	13
	(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	86 - 90	14

CONTENTS (continued)

Item		Paragraphs	Page
11.	Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:	91	14
	(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms	92 - 111	15
	(b) National institutions for the promotion and protection of human rights	112 - 113	18
	(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights	114	18
	(d) Human rights, mass exoduses and displaced persons	115 - 118	18
12.	Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories. including . . .	119 - 134	19
	(a) Question of human rights in Cyprus	127	24
	(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990	128 - 134	25
13.	Measures to improve the situation and ensure the human rights and dignity of all migrant workers . . .	135 - 138	26
14.	Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination	139 - 142	26
15.	Status of the International Covenants on Human Rights	143 - 145	27

CONTENTS (continued)

Item		Paragraphs	Page
16.	Effective functioning of bodies established pursuant to United Nations human rights instruments	146 - 148	27
17.	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session	149 - 157	28
18.	Rights of persons belonging to national or ethnic, religious and linguistic minorities	158 - 164	30
19.	Advisory services in the field of human rights	165 - 175	31
20.	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	176 - 179	32
21.	Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms	180 - 182	33
22.	Rights of the child, including:	183	34
	(a) Status of the Convention on the Rights of of the Child	183 - 184	34
	(b) Report of the Special Rapporteur on the sale of children	185 - 188	34
	(c) Programme of action for the Elimination of the Exploitation of Child Labour	190	34
	(d) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography	191- 193	35
23.	Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	194 - 198	35
24.	Draft provisional agenda for the fifty-first session of the Commission	199 - 200	36
25.	Report to the Economic and Social Council on the fiftieth session of the Commission	201	36

Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session the Commission shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that "the Commission shall at the beginning of each session, after the election of its officers, ... adopt the agenda for that session on the basis of the provisional agenda.

3. The Commission will have before it the provisional agenda (E/CN.4/1994/1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure, as well as the present annotations relating to the items included in the provisional agenda.

Item 3. Organization of the work of the session

4. The attention of the Commission is drawn to the relevant resolutions concerning control and limitation of documentation (inter alia, General Assembly resolution 33/56 and Economic and Social Council resolutions 1981/83 and 1982/50). Furthermore, the Commission will recall that at its last ten sessions it set time-limits for statements (see E/1993/23, E/CN.4/1993/122, para. 19). In view of the existing financial constraints and the overall reductions imposed, the session must be most carefully planned from the outset, bearing in mind the absolute need for maximum effectiveness in the use of the resources available.

5. The attention of the Commission is also drawn to Economic and Social Council decision 1993/293 of 28 July 1993, by which the Council, taking note of Commission on Human Rights decision 1993/116 of 12 March 1993, decided to authorize, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, for the fiftieth session of the Commission. The Council took note of the Commission's decision to request the Chairman, at its fiftieth session, to make every effort to organize the work of the session within the time normally allotted, the additional meetings to be held only if they prove absolutely necessary.

6. The attention of the Commission is also drawn to item 12 (b) of the provisional agenda (E/CN.4/1994/1), under which the Commission should provide for a special closed meeting in connection with a decision relating to a particular situation.

7. The attention of the Commission is also drawn to Economic and Social Council resolution 1990/48 of 25 May 1990 in which the Council authorized the Commission to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agreed. In this connection, the Economic and Social Council adopted, on 28 July 1993, decision 1993/286 on the procedure for special sessions of the Commission on Human rights.

Working groups

8. The session will be preceded by meetings of the three pre-sessional working groups referred to in E/CN.4/1994/1, paragraph 3 (a), (b) and (c).

Composition of the Commission

9. The composition of the Commission for 1994 is the following. The term of membership of each State expires on 31 December of the year indicated in brackets.

Angola (1994), Australia (1996), Austria (1996), Bangladesh (1994), Barbados (1994), Brazil (1995), Bulgaria (1994), Cameroon (1996), Canada (1994), Chile (1994), China (1996), Colombia (1994), Costa Rica (1994), Côte d'Ivoire (1996), Cuba (1994), Cyprus (1994), Ecuador (1996), Finland (1995), France (1995), Gabon (1994), Germany (1996), Guinea-Bissau (1995), Hungary (1996), India (1994), Indonesia (1996), Iran (Islamic Republic of) (1994), Italy (1996), Japan (1996), Kenya (1994), Lesotho (1994), Libyan Arab Jamahiriya (1994), Malawi (1996), Malaysia (1995), Mauritania (1996), Mauritius (1995), Mexico (1995), Netherlands (1994), Nigeria (1994), Pakistan (1995), Peru (1996), Poland (1995), Republic of Korea (1995), Romania (1995), Russian Federation (1994), Sri Lanka (1994), Sudan (1995), Syrian Arab Republic (1994), Togo (1995), Tunisia (1994), United Kingdom of Great Britain and Northern Ireland (1994), United States of America (1995), Uruguay (1994) and Venezuela (1996).

Assistance to Guatemala in the field of human rights

10. The Commission may wish to recall its resolution 1993/88, adopted at its forty-ninth session, in which it decided to consider the question at its fiftieth session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" or the item "Advisory services in the field of human rights", in the light of the adoption and application of specific and significant measures by the Government, the effectiveness of which would be assessed in the report of the independent expert on the situation of human rights in Guatemala.

11. The report of the independent expert will be before the Commission at its present session (E/CN.4/1994/10).

Situation of human rights in El Salvador

12. The Commission at its forty-ninth session adopted resolution 1993/93, in which it requested the Secretary-General to extend for one year the mandate of the independent expert, Mr. Pedro Nikken (Venezuela), to report on human rights developments in El Salvador, providing the assistance required by the Government in this field. The Commission requested the independent expert to report to the Commission at its fiftieth session on the action taken to give effect to the resolution and decided to consider this matter at its fiftieth session under the relevant agenda item in the light of the independent expert's report, it being understood that if there was a substantial

improvement it will be considered under the agenda item "Advisory services in the field of human rights". The Economic and Social Council, in its decision 1993/284, endorsed the resolution.

13. The Commission will have before it the report of the independent expert (E/CN.4/1994/11).

Item 4. Question of the violation of human rights in the occupied Arab territories, including Palestine

14. The Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the hostilities of June 1967 every year since its twenty-fourth session (1968).

15. At its forty-ninth session, the Commission adopted resolution 1993/1 and 1993/2 A and B in which it decided to include this item on the agenda of the fiftieth session as a matter of high priority.

16. The Commission also adopted resolutions 1993/3 and 1993/4 relevant to this item.

17. At its forty-fifth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted resolution 1993/15 on the situation in the Palestinian and other Arab territories occupied by Israel.

18. In accordance with paragraph 6 of its resolution 1993/1, paragraph 7 of resolution 1992/2 A and paragraph 6 of resolution 1993/2 B, the Commission will have before it the report of the Secretary-General on the implementation of the resolutions (E/CN.4/1994/12) and a note by the Secretary-General listing United Nations reports issued between sessions of the Commission that deal with the condition in which the population of the Palestinian and other occupied Arab territories is living (E/CN.4/1994/13).

19. The Commission also decided, in paragraph 4 of its resolution 1993/2A, to appoint a special rapporteur to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967, and to report, with his conclusions and recommendations, to the Commission at its future sessions until the end of the Israeli occupation of those territories. The Economic and Social Council, in its decision 1993/253, approved this resolution. The Chairman of the Commission appointed Mr. René Felber (Switzerland) as Special Rapporteur.

20. The Commission will have before it the report by the Special Rapporteur (E/CN.4/1994/14).

Item 5. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

21. The Ad Hoc Working Group of Experts on southern Africa was established by the Commission on Human Rights in accordance with its resolution 2 (XXIII) of 6 March 1967. Since then, the Commission has renewed the mandate of the

Ad Hoc Working Group regularly, and most recently at its forty-ninth session by resolution 1993/9. The Ad Hoc Working Group is composed of Mr. Leliel Mikuin Balanda (Chairman-Rapporteur) (Zaire), Mr. Armando Entralgo (Cuba), Mr. Felix Ermacora (Austria), Mr. Elly E.E. Mtango (United Republic of Tanzania), Mr. Zoran Pajic (Bosnia and Herzegovina) and Mr. Mulka G. Reddy (India).

22. At its forty-ninth session, by resolution 1993/9, the Commission requested the Ad Hoc Working Group to continue to examine the situation regarding the violations of human rights in South Africa including, in particular, reports of torture, ill-treatment and deaths of detainees, as well as infringements of trade union rights, and to submit its interim report to the Commission at its fiftieth session and its final report at its fifty-first session. It also requested the Group to submit a brief preliminary report to the General Assembly at its forty-eighth and forty-ninth sessions.

23. On the same resolution the Commission renewed its request to the Government of South Africa to allow the Ad Hoc Working Group of Experts to visit South Africa, to gather information from individuals and organizations in order to ascertain the situation of human rights in South Africa.

24. The Commission will have before it the interim report of the Ad Hoc Working Group (E/CN.4/1994/15).

Item 6. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa

25. This item has been considered by the Commission since its thirtieth session (1974). The item has also been regularly considered by the General Assembly and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

26. At its forty-ninth session, the Commission adopted resolution 1993/18, in which it expressed its appreciation to Mr. Ahmed Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, for his updated report, and requested the Secretary-General to report on the implementation of the resolution at its fiftieth session.

27. At its forty-fifth session, the Sub-Commission adopted decision 1993/102, in which it decided to replace agenda item 5 (b), entitled "Adverse consequence for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa" by a new sub-item, entitled "Monitoring of the transition to democracy in South Africa". At its forty-fifth session, the Sub-Commission had before it the report by the Special Rapporteur, Mrs. Judith Sefi Attah, on monitoring the transition to democracy in South Africa (E/CN.4/Sub.2/1993/11).

28. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/1994/16).

Item 7. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development

29. The Commission, by its resolution 2 (XXXI) of 10 February 1975, decided to keep this item on its agenda as a standing item with high priority. In 1989, it modified the original sub-item (a), entitled "Problems related to the right to enjoy an adequate standard of living; the right to development", and decided to consider the right to development under a separate agenda item at its forty-sixth session; it also decided to add to the original sub-item (a) a specific point, entitled "Foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

30. The Commission, at its forty-ninth session, adopted resolution 1993/12, in which it requested the Secretary-General to submit, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations concerned, a report to the Commission at its fiftieth session on the repercussions and prospects of the debt crisis and adjustment programmes on the effective enjoyment of economic, social and cultural rights of developing countries.

31. Also at its forty-ninth session, the Commission adopted resolution 1993/13, in which it endorsed the appointment by the Sub-Commission of the Special Rapporteur on the question of human rights and extreme poverty, and welcomed General Assembly resolution 47/196 proclaiming 17 October each year as International Day for the Elimination of Poverty.

32. The Commission at its forty-ninth session also adopted resolution 1993/14, in which it noted with interest the organization, under the United Nations programme of human rights activities, of the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

33. The Commission also adopted resolution 1993/21, entitled "Respect for the right of everyone to own property alone as well as in association with others", by which the Commission decided to renew the mandate of the independent expert for one year so that he might complete his report.

34. The Commission at its forty-ninth session also adopted resolution 1993/77, entitled "Forced evictions", in which it affirmed that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing, and requested the Secretary-General to compile an analytical report on the practice of forced evictions, based on an analysis of international law and jurisprudence and information submitted

in accordance with paragraph 5 of the resolution, and to submit his report to the Commission at its fiftieth session. The Commission will consider the report at its fiftieth session under the present item.

35. At its forty-fifth session, the Sub-Commission adopted several resolutions concerning this item: resolution 1993/41, entitled "Forced evictions"; resolution 1993/36, entitled "Promoting the realization of the right to adequate housing; resolution 1993/35, entitled "Human rights and extreme poverty; resolution 1993/34, entitled "Human rights dimensions of population transfer, including the implantation of settlers and settlements", and resolution 1993/40, entitled "Human rights and income distribution".

36. Under this item, the Commission will have before it the following documents: report of the seminar on appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights (A/CONF.157/PC/73; report of the Secretary-General on the repercussions and prospects of the debt crisis and adjustment programmes (E/CN.4/1994/17); report of the Secretary-General on human rights and extreme poverty (E/CN.4/1994/18); updated report of the independent expert on the right to own property (E/CN.4/1994/19); analytical report of the Secretary-General on the practice of forced evictions (E/CN.4/1994/20).

37. The Commission will also have before it draft resolutions III and IV, contained in chapter I, section A, and draft decisions 7 and 9, contained in chapter I, section B of the report of the Sub-Commission on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45).

Item 8. Question of the realization of the right to development

38. The Declaration on the Right to Development was proclaimed by the General Assembly in its resolution 41/128 of 4 December 1986. The Commission, decided to include this question under a separate item on its agenda in its resoluiton 1989/45.

39. At its forty-ninth session, the Commission adopted resolution 1993/22, in which it decided to establish a working group on the right to development composed of 15 experts with a mandate to identify obstacles to the implementation and realization of the Declaration on the Right to Development and to recommend ways and means towards the realization of the right to development by all States.

40. At the present session, the Commission will have before it in connection with this item the report of the Working Group (E/CN.4/1994/21).

Item 9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

41. This item has been on the agenda of the Commission since 1975. At its forty-ninth session, the Commission adopted under this item resolutions 1993/4, entitled "Situation in occupied Palestine"; 1993/5,

entitled "Use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination"; 1993/6, entitled "Situation in Cambodia" and 1993/17, entitled "Question of Western Sahara".

Situation in occupied Palestine

42. In its resolution 1993/4 the Commission requested the Secretary-General to transmit the resolution to the Government of Israel and to all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fiftieth session, all information pertaining to the implementation of the resolution by the Government of Israel. It also decided to consider the situation in occupied Palestine under this item as a matter of high priority.

43. At its present session, the Commission will have before it the note by the Secretary-General (E/CN.4/1994/22).

Situation in Cambodia

44. The Commission on Human Rights at its forty-ninth session, the Commission on Human Rights adopted resolution 1993/6, in which it requested the Secretary-General to ensure a continued United Nations human rights presence in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia, inter alia through the operational presence of the Centre for Human Rights, and to appoint a special representative to: (a) maintain contact with the Government and people of Cambodia; (b) guide and coordinate the United Nations human rights presence in Cambodia; (c) assist the Government in the promotion and protection of human rights; (d) report to the Commission at its fiftieth session under the agenda item entitled "Advisory services in the field of human rights (see item 19). These requests were approved by the Economic and Social Council in its decision 1993/254.

Special Rapporteur on the question of mercenaries

45. The Commission, by resolution 1987/16, decided to appoint for one year a Special Rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination. On 1 September 1987, the Chairman of the Commission appointed Mr. Enrique Bernales Ballesteros (Peru) as Special Rapporteur of the Commission on the question of mercenaries.

46. By its resolution 1992/6, the Commission extended the mandate of the Special Rapporteur for three years to enable him to carry out further studies on the use of mercenaries and to make recommendations to the Commission accordingly. The Economic and Social Council, in its decision 1992/225, approved the extension of the mandate.

47. At its forty-ninth session, the Commission adopted resolution 1993/5 in which it requested the Special Rapporteur to report to the Commission at its fiftieth session.

48. At its present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/23).

Item 10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Question of human rights and states of emergency

49. The attention of the Commission is drawn to the work of the Sub-Commission on this question. The sixth annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency was submitted by the Special Rapporteur on human rights and states of emergency, Mr. Leandro Despouy, to the Sub-Commission at its forty-fifth session (E/CN.4/Sub.2/1993/23). In its resolution 1993/28, the Sub-Commission invited the Special Rapporteur to update his report so that the Commission, at its fiftieth session, would have before it the most recent and accurate information available.

50. The Commission will have before it a note by the Secretary-General (E/CN.4/1994/32), transmitting the revised and updated sixth report of the Special Rapporteur (E/CN.4/Sub.2/1993/23/Rev.1).

51. The Commission will also have before it draft resolution II, contained in chapter I, section A, of the report of the Sub-Commission on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45).

Staff members of the United Nations and the specialized agencies in detention

52. In its resolution 1993/39, the Commission requested the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of United Nations staff members, experts and their families were fully respected. It also requested him to submit to the Commission, at its fiftieth session, an updated version of the report on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled since the presentation of the last report as well as on the implementation of the measures referred to in paragraphs 6 and 7 of the resolution.

53. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/30).

Right to freedom of opinion and expression

54. In its resolution 1993/45, the Commission to requested its Chairman to appoint, for a period of three years, an individual of recognized international standing as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. It requested the Special Rapporteur to seek and receive credible and reliable information from Governments, non-governmental organizations and other parties who have knowledge of cases of discrimination against, threats or use of violence and harassment, including persecution and intimidation, directed at persons, in particular professionals in the field of information, seeking to exercise or to promote the exercise of the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and, where applicable, the International Covenant on Civil and Political Rights. The Commission also requested the Special Rapporteur to report to it at its fiftieth session.

55. The Chairman of the Commission, after consultation with the Bureau appointed Mr. A. Hussain (India) as Special Rapporteur on the rights to freedom of opinion and expression. The Economic and Social Council, in its decision 1993/268, approved the resolution.

56. At its present session the Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/33)

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawers

57. At its forty-ninth session, the Commission adopted resolution 1993/44, in which it endorsed the decision of the Sub-Commission to entrust Mr. Louis Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawers. The Economic and Social Council, by its decision 1993/267, approved the Commission's endorsement of the decision of the Sub-Commission.

58. At its forty-fifth session, the Sub-Commission adopted resolution 1993/39, in which it recommended to the Commission to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officers, and the nature of problems liable to attack this independence and impartiality, and recommended that it take the form of a special rapporteur whose mandate could consist of: (a) submitting any allegations transmitted to the special rapporteur to adversarial examination; (b) identifying and recording attacks on the independence of the judiciary and to provide technical assistance when requested; (c) studying, for the purpose of making proposals, certain questions of principle.

59. The Commission will have before it draft resolution VI, contained in chapter I, section A. of the report of the Sub-Commission on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45).

Human rights in the administration of justice

60. At its forty-fourth session, the General Assembly adopted resolution 44/162, in which it requested the Commission to invite the Sub-Commission to study the practical implementation of United Nations norms and standards in the administration of justice and human rights.

61. At its forty-ninth session, the Commission adopted resolution 1993/41, in which it requested the Sub-Commission to continue its practice of creating a sessional working group on detention to formulate concrete proposals regarding human rights in the administration of justice, and requested the Sub-Commission to formulate concrete proposals to the Secretary-General regarding the utility and the format of his report pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 on the question of the human rights of persons subjected to any form of detention or imprisonment. On the same resolution the Commission invited the Commission on Crime Prevention and Criminal Justice to explore ways and means of cooperating with the human rights programme in the field of the administration of justice, with special emphasis on the effective implementation of norms and standards.

62. At its forty-fifth session, the Sub-Commission adopted resolution 1993/25, in which it decided to stop consideration of information received pursuant to Sub-Commission resolution 7 (XXVII) and recommended to the Secretary-General that he no longer issue reports and synopses of materials on this subject.

Question of arbitrary detention

63. At its forty-seventh session, the Commission adopted resolution 1991/42, in which it decided to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards and that the working group, in carrying out its mandate, should seek and receive information from Governments, intergovernmental and non-governmental organizations, and should receive information from the individuals concerned, their families or their representatives.

64. At its forty-ninth session, the Commission adopted resolution 1993/36, in which it requested the Working Group to submit a report to the Commission at its fiftieth session and to make all suggestions and recommendations for better fulfilment of its task, particularly in regard to ways and means of ensuring the follow-up to its decisions, in cooperation with Governments.

65. At the present session, the Commission will have before it the report of the Working Group (E/CN.4/1994/27).

Human rights and forensic science

66. At its forty-ninth session, the Commission adopted resolution 1993/33, in which it requested the Secretary-General to consult with Governments, relevant United Nations bodies, professional organizations of forensic experts and other interested institutions with a view to identifying individual experts

who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes. The Commission also requested the Secretary-General to establish a list of forensic experts and experts in related fields and to make this list available to the special rapporteurs and experts of the United Nations human rights mechanisms.

67. The Commission will have before it the report of the Secretary-General on progress made in this matter (E/CN.4/1994/24).

Question of impunity of perpetrators of violations of human rights

68. At its forty-ninth session, the Commission adopted resolution 1993/43, in which it endorsed the decision of the Sub-Commission in its resolution 1992/23 to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a study on the impunity of perpetrators of violations of human right in order, in particular, to determine the scope of the phenomenon of impunity and to propose measures to combat that practice. The Economic and Social Council approved the Commission's endorsement of the decision of the Sub-Commission in its decision 1993/266.

69. At its forty-fifth session, the Sub-Commission adopted resolution 1993/37, in which it requested Mr. Guissé and Mr. Joinet to submit a report, including conclusions and recommedations, on the first aspect of the question of impunity, with respect to civil and political rights at its forty-sixth session, and decided, having regard to the interdependence and indivisibility of civil and political rights and economic, social and cultural rights, to request the Special Rapporteurs to continue their study on the second aspect of the question, concerning economic, social and cultural rights.

70. The Commission will have before it draft resolution V, contained in chapter I, section A, of the report of the Sub-Commission on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45).

Other matters

71. In connection with agenda item 10, the Commission may wish to note the following resolutions adopted by the Sub-Commission at its forty-fifth session: resolution 1993/26, entitled "The right to a fair trial"; resolution 1993/27, entitled "Application of international standards concerning the human rights of detained juveniles"; resolution 1993/29, entitled "Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms".

72. The Commission will have before it draft decisions 3, 4 and 13, contained in chapter I, section B, of the report of the Sub-Commission on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45).

Sub-item (a) Torture and other cruel, inhuman or degrading treatment or punishment

73. This item has been considered annually since 1984 by the Commission and has also been regularly considered by the General Assembly and the Sub-Commission. Action taken by the General Assembly has included adoption of a declaration and a convention against torture, adoption of the Code of Conduct for Law Enforcement Officials, the Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty.

Special Rapporteur on the question of torture

74. At its forty-first session, the Commission, in its resolution 1985/33, decided to appoint for one year a special rapporteur to examine questions relevant to torture. The Chairman of the Commission subsequently appointed Mr. Peter Kooijmans (Netherlands) as Special Rapporteur of the Commission on the question of torture. His mandate was subsequently renewed by the Commission, most recently in resolution 1992/32 for three years.

75. Following Mr. Kooijman's resignation in December 1992 the Commission, in resolution 1993/40, requested its Chairman, after consultations with the Bureau, to appoint an individual of recognized international standing as Special Rapporteur. As a result, Mr. Nigel S. Rodley (United Kingdom) was appointed Special Rapporteur in April 1993.

76. In its resolution 1993/40, the Commission decided that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive credible and reliable information from Governments, the specialized agencies and intergovernmental and non-governmental organizations and to report to the Commission at its fiftieth session.

77. At the present session the Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/31).

United Nations Voluntary Fund for Victims of Torture

78. The United Nations Voluntary Fund for Victims of Torture was established in December 1981 by the General Assembly (resolution 36/151) for the purpose of receiving voluntary contributions for distribution, through established channels of assistance, as humanitarian, legal and financial aid to individuals who had been tortured and to their relatives. In its resolution 1993/38, the Commission expressed its gratitude and appreciation to those Governments, organizations and individuals that had already contributed to the Fund and appealed to those in a position to do so to respond favourably to requests for contributions, if possible on a regular basis, and to the fund-raising campaign launched in 1992. The Commission also requested the Secretary-General to keep it informed of the operations of the Fund on an annual basis.

79. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/29).

Sub-item (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

80. In its resolution 1993/37, the Commission requested the Secretary-General to continue to submit to the Commission annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or degrading Treatment or Punishment, which was opened for signature on 4 February 1985 and entered into force on 26 June 1987. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/28).

Sub-item (c) Question of enforced or involuntary disappearances

81. In pursuance of General Assembly resolution 33/173, the Commission, by resolution 20 (XXXVI) of 29 February 1980, decided to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine question relevant to enforced or involuntary disappearances of persons. At its thirty-seventh to forty-first sessions, the Commission extended the term of the Working Group's mandate by one year; from its forty-second to forty-sixth sessions, the mandate was extended by two years.

82. At its forty-eighth session, in resolution 1992/30, the Commission decided to extend the Working Group's mandate for three years. The Working Group is made up of Mr. Toine van Dongen (Netherlands), Mr. Jonas K.D. Foli (Ghana), Mr. Aga Hilaly (Pakistan), Mr. Diego García-Sayán (Peru) and Mr. Ivan Tosevski (Chairman-Rapporteur) (The Former Yugoslav Republic of Macedonia). On 22 September 1993, the Chairman of the Commission on Human Rights appointed Mr. Manfred Novak (Austria) to replace Mr. van Dongen who resigned as a member of the Working Group, effective 1 September 1993.

83. At its forty-ninth session, the Commission in its resolution 1993/7, requested the Special Rapporteur on the situation of human rights in the Former Yugoslavia, in consultation with the Working Group on Enforced or Involuntary Disappearances and the International Committee of the Red Cross, to develop proposals for a mechanism to address the subject of disappearances in the former Yugoslavia. Following consultations among the parties concerned, Mr. van Dongen undertook a mission to the Republic of Croatia and to the Federal Republic of Yugoslavia (Serbia and Montenegro). The Working Group has reported his findings to the Special Rapporteur.

84. Also at its forty-ninth session, the Commission adopted resolution 1993/35, in which it requested the Working Group to report on its work to the Commission at its fiftieth session.

85. The Commission will have before it the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26) and the report of the mission to the Former Yugoslavia (E/CN.4/1994/26/Add.1).

Sub-item (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

86. The draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was submitted by Costa Rica on 6 March 1980 and is designed to establish a system of visits by a committee of experts to places of detention within the jurisdiction of the States parties to the protocol.

87. At its forty-eighth session, the Commission adopted resolution 1992/43 by which it decided to establish an open-ended inter-sessional working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussion the draft text proposed by the Government of Costa Rica on 22 January 1991, and to consider implications of its adoption and the relationship between the draft optional protocol, regional instruments and the Committee against Torture.

88. At its forty-ninth session, the Commission adopted resolution 1993/34 in which it requested the Working Group to meet between sessions prior to the fiftieth session of the Commission in order to continue its work and to submit a report to the Commission.

89. The Working Group met from 25 October to 5 November 1993 at Geneva.

90. At the present session, the Commission will have before it the report of the Working Group (E/CN.4/1994/25).

Item 11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

(d) Human rights, mass exodus and displaced persons.

91. The item on the further promotion and encouragement of human rights and fundamental freedoms has been on the agenda of the Commission since 1963 (resolution 8 (XIX)).

Sub-item (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

Public information activities

92. The attention of the Commission is drawn to its resolution 1993/49, entitled "Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights", in which it requested the Secretary-General to submit to the Commission, at its fiftieth session, a report on public information activities with special emphasis on the activities of the World Campaign, including details of the costs incurred in 1993 and the budget envisaged for future activities, as well as a further assessment of the impact of the World Campaign activities undertaken by the United Nations in the field of human rights, and decided to continue its consideration of the question at its fiftieth session.

93. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/36).

Regional arrangements

94. At its forty-ninth session, the Commission adopted resolution 1993/57, entitled "Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region", in which it requested the Secretary-General to consult the States in the Asian and Pacific region on the widest possible basis in the implementation of the resolution and to submit a report to the Commission at its fiftieth session.

95. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/40).

Establishment of emergency mechanism

96. The Commission at its forty-eighth session adopted resolution 1992/55, entitled "Establishment of an emergency mechanism of the Commission on Human Rights". The Commission at its forty-ninth session adopted decision 1993/115, in which it decided to postpone consideration of the proposal for the establishment of an emergency mechanism to its fiftieth or a subsequent session.

Armed groups and drug traffickers

97. The attention of the Commission is drawn to its resolution 1993/48, entitled "Consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers," in which it requested all special rapporteurs and working groups to continue paying particular attention to the adverse effect on the enjoyment of human rights of acts of violence committed by armed groups and by drug traffickers in their forthcoming reports to the Commission on the situation of human rights in those countries where such acts occur. In accordance with the request made in the resolution, the Secretary-General continued to collect

information on this question and has made it available to the special rapporteurs and working groups.

Thematic procedures

98. The attention of the Commission is also drawn to resolution 1993/47, entitled "Human rights and thematic procedures", in which the Commission encouraged thematic special rapporteurs and the Working Group on Enforced or Involuntary Disappearances to follow closely the progress made by Governments in their investigations carried out within their respective mandates.

99. The Commission will have before it a note by the Secretariat on this subject (E/CN.4/1994/35).

Non-selectivity, impartiality and objectivity

100. At its forty-ninth session, the Commission adopted resolution 1993/59, in which it requested the Secretary-General to prepare and submit to the Commission, at its fiftieth session, a comprehensive report on various ways and means of promoting international cooperation and strengthening United Nations action in the field of human rights in accordance with the principles of non-selectivity, impartiality and objectivity.

101. The Commission will hve before it the report of the Secretary-General (E/CN.4/1994/41).

Civil defence forces

102. The Commission also adopted resolution 1993/54, entitled "Civil defence forces", in which it requested the Secretary-General to prepare a report containing a summary of aaany additional information and comments received subsequent to the report submitted to the Commission at its forty-ninth session(E/CN.4/1993/34).

103. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/38).

Rights of women

104. At its forty-ninth session, the Commission adopted resolution 1993/46, in which it requested all special rapporteur and working groups of the Commission and the Sub-Commission to include in their reports available information on human rights violations affecting women. The Commission also decided to consider the appointment of a special rapporteur on violence against women at its fiftieth session, taking into account the work of the Commission on the status of women on, inter alia, the issue of violence against women, the results of the World Conference on Human Rights and the results of the work undertaken pursuant to the resolution. The Commission requested the Secretary-General to consult with all United Nations human rights bodies, including the treaty bodies, on the implementation of the resolution and invited him to report thereon to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session.

105. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/34).

AIDS

106. At its forty-ninth session, the Commission adopted resolution 1993/53 entitled "Protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS)", in which it decided to consider the final report of the Special Rapporteur, Mr. Luis Varela Quirós (E/CN.4/Sub.2/1993/9) at its fiftieth session.

107. At the present session the Commission will have before it a note by the secretariat (E/CN.4/1994/37) tranmitting the final report of the Special Rapporteur.

Education and human rights

108. At its forty-ninth session, the Commission adopted resolution 1993/56, in which it recommended that the General Assembly take the appropriate measures to declare a decade for human rights education in the light of the recommendations of the International Congress on Education for Human Rights and Democracy of the United Nations Educational, Scientific and Cultural Organization, held at Montreal, Canada, from 8-11 March 1993. The Commission also requested the Secretary-General to submit to the Commission at its fiftieth session a detailed report on action taken in relation to the declaration of a decade for human rights education.

109. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/39).

Effective functioning of the various mechanisms

110. At its forty-ninth session, the Commission adopted resolution 1993/58, in which it requested the Secretary-General to submit to the Commission at its fiftieth session a report on:

(a) The original mandates assigned to the various treaty and non-treaty mechanisms established for the supervision, investigation and monitoring of the implementation of the provisions of international legal instruments and standards in regard to this question;

(b) The international legal norms and standards on which existing non-treaty mechanisms now base their activities, as well as the conceptual framework, methods of work and procedural rules that each has deemed it advisable to apply in the discharge of its mandate;

(c) The various norms, criteria and practices established by each of the various existing mechanisms in regard to the admissibility of communication, as well as the preliminary consideration and evaluation of communications, their referral to the interested parties and the subsequent course followed in connection with them;

(d) The criteria used in practice by the Centre for Human Rights to channel communications received on these issues either to existing public machinery or to bodies provided for in the confidential procedure established under Economic and Social Council resolution 1503 (XLVIII), together with the legal foundation for such criteria.

111. At its present session, the Commission will have before it the report of the Secretary-General (E/CN.4/1994/42).

Sub-item (b) National institutions for the promotion and protection of human rights

112. At its forty-ninth session, the Commission adopted resolution 1993/55, in which it requested the Centre for Human Rights to continue its efforts in order to enhance cooperation between the United Nations and regional and national institutions. It requested the Secretary-General to continue organizing in 1993 an international workshop. The workshop is scheduled to be held at Tunis from 13 to 17 December 1993.

113. The Commission will have before it the report of the workshop on national institutions (E/CN.4/1994/45).

Sub-item (c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

114. At its forty-ninth session, the Commission adopted resolution 1993/52, entitled "Strengthening of the Centre for Human Rights", in which it requested the Secretary-General to enhance the role and importance of the Centre for Human Rights as a coordinating unit within the United Nations system with respect to human rights. The Commission also requested the Secretary-General and the competent United Nations bodies to implement the relevant recommendations of the World Conference on Human Rights with regard to securing the necessary financial and other resources for the strengthening of the Centre for Human Rights.

Sub-item (d) Human rights, mass exoduses and displaced persons Internally Displaced Persons

115. At its forty-ninth session, the Commission adopted resolution 1993/95, entitled "Internally displaced persons", in which it requested the Secretary-General to mandate his Representative on internally displaced persons, Mr. Francis Deng (Sudan), for a period of two years to continue his work aimed at a better understanding of the general problems faced by internally displaced persons and their possible long-term solutions, and to identify, where required, ways and means of improving protection for and assistance to them. It also requested the representative to submit annual reports on his activities to the General Assembly and to the Commission.

116. At its present session the Commission will have before it the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1993/44).

Human rights and mass exoduses

117. At its forty-ninth session, the Commission adopted resolution 1993/70, in which it urged the Secretary-General to attach a high priority and allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities in the humanitarian area. The Commission welcomed the decisions by the Administrative Committee on Coordination to establish a regular United Nations inter-agency early-warning consultation related to possible flows of refugees and displaced persons and to designate the Department of Humanitarian Affairs as the focal point. Ity urged the Department to take the necessary steps to function effectinely as the focal point and also urged all bodies involved to cooperate fully. The Commission requested the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and non-governmental organizations for information, and to submit to the Commission at its fiftieth session a report outlining the principal developments in the United Nations system with regard to early warning and preventive diplomacy since the issuance of "An agenda for peace", paying particular attention to early warning and preventive diplomacy in the areas of human rights and humanitarian assistance.

118. At its present session the Commission will have before it the report of the Secretary-General (E/CN.4/1994/43).

Item 12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

119. By resolution 1164 (XLI) of 5 August 1966, the Economic and Social Council welcomed the decision of the Commission in its resolution 2 B (XXII) of 25 March 1966 to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to violations of human rights. In resolution 2144 A (XXI) of 26 October 1966, the General Assembly invited the Council and the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur. Pursuant to these resolutions, the Commission adopted resolution 8 (XXIII) of 16 March 1967, in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The title of the item was later modified by the Commission. Subsequently, the Economic and Social Council adopted resolutions 1235 (XLII) and 1503 (XLVIII) on the question of violations of human rights and fundamental freedoms.

120. In resolution 32/130, the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions, including resolution 37/199. In resolution 34/175, entitled "Effective action against mass and flagrant violations of human rights", the Assembly urged the appropriate United Nations bodies, within their mandates, particularly the Commission, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. By resolution 37/200, the General Assembly urged all States to cooperate with the Commission in its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

Situation of human rights in various countries

121. At its forty-ninth session, the Commission considered, and took action on, the situation of human rights in the following countries:

(a) Situation of human rights in the Islamic Republic of Iran. In its resolution 1993/62, the Commission decided to extend the mandate of the Special Representative, Mr. Reynaldo Galindo Pohl (El Salvador), as contained in Commission resolution 1984/54, for a further year and requested him to submit an interim report to the General Assembly at its forty-eighth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, and to report to the Commission as its fiftieth session. The Economic and Social Council, in its decision 1993/273, approved the decision. The Commission will have before it the report of the Special Representative (E/CN.4/1994/50);

(b) Situation of human rights in Equatorial Guinea. In its resolution 1993/69, the Commission requested its Chairman, following consultations with the officers, to appoint an individual of recognized international standing in the field of human rights who was entirely familiar with the situation in Equatorial Guinea as Special Rapporteur of the Commission, with a mandate to make a thorough study of the violations of human rights by the Government of Equatorial Guinea, on the basis of all the information which he considered relevant. The Economic and Social Council, in its decision 1993/277, endorsed the resolution. The Chairman of the Commission appointed Mr. Alejandro Artucio Rodríguez (Uruguay) as Special Rapporteur on the situation of human rights in Equatorial Guinea. The Commission also requested the Special Rapporteur to report to the Commission at its fiftieth session and decided to consider the question under agenda item 12, unless there was a significant improvement in the situation of human rights and fundamental freedoms in Equatorial Guinea. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/56);

(c) Situation of human rights in Afghanistan. In its resolution 1993/66, the Commission decided to extend the mandate of the Special Rapporteur, Mr. Felix Ermacora (Austria), for one year and requested him to report to the

General Assembly at its forty-eighth session and to the Commission at its fiftieth session. The Economic and Social Council, in its decision 1993/275, approved the resolution. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/53);

(d) Situation of human rights in Myanmar. By resolution 1993/73, the Commission decided to extend for one year the mandate of the Special Rapporteur, Mr. Yozo Yokota (Japan), to establish or continue direct contacts with the Government and the people of Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and to report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session. The Economic and Social Council, in its decision 1993/278, approved the resolution. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/57);

(e) Situation of human rights in Cuba. In accordance with Commission resolution 1992/61, Mr. Carl-Johan Goth (Sweden) was appointed Special Rapporteur on the situation of human rights in Cuba. At its forty-ninth session, the Commission adopted resolution 1993/63 in which it extended the mandate of the Special Rapporteur for one year. The Commission requested the Special Rapporteur to maintain direct contact with the Government and citizens of Cuba, as specified in past resolutions of the Commission. It also requested the Special Rapporteur to submit an interim report to the General Assembly at its forty-eighth session and to report to the Commission at its fiftieth session on the results of his endeavours. The Economic and Social Council, in its decision 1993/274, approved these requests. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/51);

(f) Situation of human rights in the territory of the former Yugoslavia. At its first special session, in August 1992, the Commission adopted resolution 1992/S-1/1, in which it requested its Chairman to appoint a special rapporteur to investigate the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina. On 17 August, the Chairman of the Commission appointed Mr. Tadeusz Mazowiecki (Poland) as Special Rapporteur. In accordance with paragraphs 14 and 15 of the resolution, the Special Rapporteur presented periodic reports to the members of the Commission in August (E/CN.4/1992/S-1/9), in October (E/CN.4/1992/S-1/10), and November 1992 (A/47/666-S/24809), and February 1993 (E/CN.4/1993/59). At its forty-ninth session, the Commission adopted resolution 1993/7 in which it extended the mandate of the Special Rapporteur for one year and requested that he continue his efforts, especially in carrying out further missions in Serbia and other parts of the former Yugoslavia as he deemed necessary, and that he continue to submit periodic reports as the situation warranted on the implementation of all relevant resolutions of the Commission concerning the former Yugoslavia. The Commission requested the Secretary-General to continue to make the reports of the Special Rapporteur available to the Security Council. The Economic and Social Council, in its decision 1993/255, approved this resolution. At its forty-ninth session the Commission also adopted resolution 1993/8 on the rape and abuse of women in the territory of the former Yugoslavia. In that resolution the Commission requested the Special Rapporteur to pursue a specific investigation into the matter and to present a further report to the Commission. It also requested the Secretary-General to

submit the report on the implementation of the resolution to the members of the Commission not later than 30 June 1993 and decided to remain seized of the matter. In compliance with resolution 1993/7 the Special Rapporteur submitted periodic reports in May (E/CN.4/1994/3 and 4), August (E/CN.4/1994/6), September (E/CN.4/1994/8) and November 1993 (E/CN.4/1994/47). In compliance with resolution 1993/8, the Secretary-General submitted a report in June 1993 (E/CN.4/1994/5);

(g) Situation of human rights in Iraq. In its resolution 1993/74, the Commission on Human Rights decided to extend the mandate of the Special Rapporteur, Mr. Max van der Stoel (Netherlands), for one year and requested him to report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session. The Economic and Social Council approved this resolution in its decision 1993/279. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/58);

(h) Situation of human rights in Haiti. In its resolution 1993/68, the Commission decided to extend the mandate of the Special Rapporteur, Mr. Marco Tulio Bruni Celli (Venezuela), as contained in Commission resolution 1992/77, for a further year and requested him to submit an interim report to the General Assembly at its forty-eighth session and a final report to the Commission at its fiftieth session. The Economic and Social Council, in its decision 1993/276, approved the resolution. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/55);

(i) Situation of human rights in the Sudan. By resolution 1993/60, the Commission requested the Chairman to appoint a special rapporteur to establish direct contact with the Government and with the people of the Sudan and to investigate and submit a report to the General Assembly at its forty-eighth session and to the Commission at its fiftieth session. On 30 March 1993 the Chairman of the Commission appointed Mr. Gáspár Bíró (Hungary) Special Rapporteur on the situation of human rights in the Sudan. The Economic and Social Council, in its decision 1993/272, approved the resolution. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/48);

(j) Situation in East Timor. At its forty-ninth session the Commission adopted resolution 1993/97 in which it urged the Government of Indonesia to invite the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to visit East Timor and to facilitate the discharge of their mandates. It also welcomed the resumption of talks on the question of East Timor and encouraged the Secretary-General to continue his good offices with a view to achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor. It decided to consider the situation in East Timor at its fiftieth session on the basis of the reports of the Special Rapporteurs and Working Groups and that of the Secretary-General, which would include an analytical compilation of all information received from, interalia, Governments and intergovernmental and non-governmental organizations. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/61);

(k) Human rights violations in Bougainville. In its resolution 1993/76, the Commission requested the Secretary-General to transmit to the Commission on Human Rights information made available to him on the situation in Bougainville by the Government of Papua New Guinea and other reliable sources for consideration at its fiftieth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1993/60);

(l) Situation of human rights in Zaire. In its resolution 1993/61, the Commission requested the Secretary-General to bring the resolution to the attention of the Zairian authorities and to report to the Commission, at its fiftieth session on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations. The Commission also decided to consider the question again at its fiftieth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/49);

(m) Situation of human rights in Togo.In its resolution 1993/75, the Commission requested the Secretary-General to bring the resolution to the attention of the Togolese authorities and to request them to indicate, as soon as possible, the action taken in pursuance of the resolution. The Secretary-General was also requested to report to the Commission at its fiftieth session on the basis of any information which might be gathered on the situation of human rights in Togo, including information supplied by non-governmental organizations. The Commission also decided to consider the question again at its fiftieth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/59);

(n) Situation of human rights in southern Lebanon. In its resolution 1993/67, the Commission decided to bring the resolution to the attention of the Government of Israel, to invite the Government to provide information concerning the extent of its compliance therewith and to report thereon to the Commission on Human Rights at its fiftieth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/54).

Cooperation with representatives of United Nations human rights bodies

122. In its resolution 1993/64, the Commission invited the Secretary-General to submit a report at its fiftieth session containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them; those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for that purpose; and those who submit or have submitted communications under procedures established by human rights instruments and those who are relatives of human rights violations. The Commission will have before it the report of the Secretary-General (E/CN.4/1994/52).

Extrajudicial, summary or arbitrary executions

123. At its thirty-seventh session the Commission, in its resolution 1982/29, decided to appoint a Special Rapporteur to submit a comprehensive report on

the occurrence and extent of the practice of summary or arbitrary executions. Mr. Amos Wako (Kenya) was appointed as Special Rapporteur. Following the resignation of Mr. Wako in early March 1992, the Commission adopted resolution 1992/72, in which it extended the mandate for another three years and requested its Chairman to appoint a new Special Rapporteur. As a result, Mr. Bacre Waly Ndiaye (Senegal) was appointed Special Rapporteur in April 1992.

124. In resolution 1993/71, the Commission requested the Special Rapporteur to continue to examine situations of extrajudicial, summary or arbitrary executions and to continue to submit on an annual basis his findings, together with conclusions and recommendations, to the Commission. The Special Rapporteur was also requested in his next report to pays special attention to extrajudicial, summary or arbitrary executions of children, allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations, as well as to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment.

125. At its present session the Commission will have before it the report of the special Rapporteur (E/CN.4/1994/7 and Add.1 and 2).

Action of the Sub-Commission at its forty-fifth session

126. Within the framework of the present item, the attention of the Commission is also drawn to the following resolutions adopted by the Sub-Commission at its forty-fifth session: 1993/9, "Situation in Kosovo"; 1993/10, "Situation of human rights in Chad"; 1993/11, "Situation in South Africa"; 1993/12, "Situation in East Timor"; 1993/13, "Consequence for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population"; 1993/14, "Situation of human rights in the Islamic Republic of Iran"; 1993/15, "Situation in the Palestinian and other Arab territories occupied by Israel"; 1993/16, "Situation of human rights in Guatemala"; 1993/17, "Situation in Bosnia and Herzegovina"; 1993/18, "Situation in Haiti: encouragement of the establishment of the democratic process and the reconstruction of the country"; 1993/19, "Situation in Myanmar"; 1993/20, "Situation of human rights in Iraq"; 1993/23, "Situation of human rights in Peru", and decision 1993/107 "Situation in Tibet".

Sub-item (a) Question of human rights in Cyprus

127. This question was first considered by the Commission at its thirty-second session, when it adopted resolution 4 (XXXIII) of 27 February 1976. The Commission has had this question on its agenda since then. At its forty-ninth session, by decision 1993/109, the Commission decided to postpone debate on the sub-item to its fiftieth session and to give it due priority. It requested the Secretary-General to provide a report to the Commission regarding the implementation of its previous resolutions on the subject. At its present session the Commission will have before it the report of the Secretary-General (E/CN.4/1994/46).

Sub-item (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

128. Under the procedure for dealing with communications relating to violations of human rights and fundamental freedoms, governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, the Commission on Human Rights is called on to examine particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights, referred to it by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Since 1974, particular situations relating to 55 countries have been referred to the Commission by the Sub-Commission under the procedure.

129. To assist the Commission in carrying out its task under the so-called 1503 procedure, the Economic and Social Council, by resolution 1990/41 of 25 May 1990, authorized the establishment, on a permanent basis, of a five-member working group of the Commission, to be referred to as the Working Group on Situations. Prior to that time, the Commission had set up such a working group annually, on an ad hoc basis, since 1974, with the approval of the Council. The role of the Working Group on Situations is to examine the particular situations referred to the Commission under the procedure, including the situations which the Commission has decided to keep under review within the framework of the procedure, and to make recommendations to the Commission on the course of action to take in respect of each particular situation.

130. Over the years, the Commission has adopted a number of procedural decisions aimed at facilitating government cooperation under the 1503 procedure: the Governments directly concerned are invited to submit written observations on the situations which the Commission has before it (decision 3 (XXX) of 6 March 1974, para. 4); the text of the relevant recommendations of the Working Group on Situations are made available to the Governments concerned prior to the meetings of the Commission (decision 14 (XXXV) of 12 March 197)9; the Governments concerned are invited to attend the relevant closed meetings of the Commission, to participate in the debate and to be present during the adoption of the Commission's decisions (decisions 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980).

131. All actions taken under the 1503 procedure remain confidential until such time as the Commission may decide to make recommendations to the Council. The documentation pertaining to the procedure is also confidential.

132. At its fiftieth session, the Commission will have before it the report of the Working Group on Situations, as well as other confidential documents pertaining to the sub-item, including the confidential report of the forty-fifth session of the Sub-Commission (E/CN.4/1994/R.1 and addenda) and government replies and observations (issued, as received, in document series E/CN.4/GR.1992/..; E/CN.4/GR.1993/..; and E/CN.4/1994/R.2 and addenda). In

addition, the Commission will have before it the relevant earlier material relating to the situations of which the Commission has been seized. The above-mentioned confidential documents will be handed to the members of the Commission at the session.

133. Chapter X of the report of the Sub-Commission on the work of its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45) is also relevant to this sub-item.

134 The attention of the Commission is also drawn to Sub-Commission decision 1993/104, entitled "Question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)".

Item 13. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

135. Questions concerning the human rights of migrant workers have been the subject of attention at several sessions of the Commission.

136. The General Assembly, in resolution 45/158 of 18 December 1990, adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

137. At its forty-ninth session, in resolution 1993/89, the Commission requested the Secretary-General to report on the status of the Convention to the Commission at its fiftieth session.

138. At its present session, the Commission will have before it the report of the Secretary-General (E/CN.4/1994/62).

Item 14. Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

139. At its forty-ninth session, the Commission adopted resolution 1993/11, in which it recommended that activities such as those contained in the report of the Secretary-General be undertaken during the third decade to combat racism and racial discrimination and reviewed at mid-term; recommended that the activities scheduled for the period 1992-1993 that have not been implemented because of lack of adequate resources be included in the draft programme of action for the third decade, along with the other proposed activities contained in the annex to the resolution, and given the highest priority;and decided to consider at its fiftieth session, as a matter of high priority, the draft programme of action for the third decade to combat racism and racial discrimination.

140. At its forty-ninth session, the Commission also adopted resolution 1993/20, in which it decided to appoint, for a three-year period, a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance, and requested the special rapporteur to report thereon to the Commission on an annual basis, beginning at its fiftieth session. The Chairman of the Commission, after consultation with the Bureau, appointed Mr. Robert Dossou (Benin) as Special Rapporteur. The Economic and Social Council by its decision 1993/258 approved the Commission's decision.

141. At its present session, the Commission will have before it:

The note by the Secretary-General transmitting the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1994/63);

The annual report on racial discrimination submitted by the International Labour Organisation (E/CN.4/1994/64);

The annual report on racial discrimination submitted by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1994/65);

The report of the Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance(E/CN.4/1994/66).

142. The attention of the Commission is also drawn to the report of the Secretary-General on the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (A/48/423).

Item 15. Status of the International Covenants on Human Rights

143. In its resolution 1993/15, the Commission requested the Secretary-General to submit to it, at its fiftieth session, a report on the status of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols, including all reservations and declarations. Accordingly, the Commission will have before it information on the status of the International Covenants on Human Rights (E/CN.4/1994/67), as well as the reservations, declarations, notifications and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1993/3) and the International Covenant on Civil and Political Rights and the Optional Protocols thereto (CCPR/C/2/Rev.3).

Succession of States in respect of international human rights treaties

144. At its forty-ninth session, the Commission adopted resolution 1993/23, in which it requested the Secretary-General to render advisory services with respect to succession or accession to international human rights treaties to successor States which are Members of the United Nations and to report to the Commission at its fiftieth session in regard to action taken under this agenda item.

145. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/1994/68).

Item 16. Effective functioning of bodies established pursuant to United Nations human rights instruments

146. This item has been included on the agenda of the Commission since its forty-sixth session.

147. At its forty-ninth session, the Commission adopted resolution 1993/16, in which it expressed its satisfaction with the study by the independent expert on possible long-term approaches to enhancing the effective operation of existing and prospective bodies established under United Nations instruments on human rights and, in the light of the conclusions and recommendations contained in the report of the fourth meeting of persons chairing the human rights treaty bodies, requested that the report of the independent expert be updated. The Commission also requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies and to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fourth meeting of the persons chairing the human rights treaty bodies (A/47/628, annex, para. 59).

148. At the present session, the Commission will have before it the updated study of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty bodies (E/CN.4/1994/69).

Item 17. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session

149. The report of the Sub-Commission is considered annually by the Commission. The report of the Sub-Commission on its forty-fifth session is contained in document E/CN.4/1994/2-E/CN.4/Sub.2/1993/45.

150. At its forty-fifth session, the Sub-Commission adopted 46 resolutions and 11 decisions, which are reproduced in the report.

151. Chapter I, sections A and B, of the report of the Sub-Commission contains 6 draft resolutions and 14 draft decisions proposed to the Commission for action. They are as follows:

Draft resolutions

I. Working Group on Contemporary Forms of Slavery

II. Question of human rights and states of emergency

III. Human rights and extreme poverty

IV. Promoting the realization of the right to adequate housing

V. Question of the impunity of perpetrators of violations of human rights

VI. Independence of the judiciary, particularly with regard to judges and lawyers, as well as court officers

Draft decisions

1. Report of the Working Group on Contemporary Forms of Slavery

2. Slavery and slavery-like practices during wartime

3. The right to a fair trial

4. Recognition of gross and large-scale violations of human rights as an international crime

5. Human rights and the environment

6. Traditional practices affecting the health of women and children

7. Human rights dimensions of population transfer, including the implantation of settlers and settlements

8. Question of the implications for human rights of United Nations actions, including humanitarian assistance in addressing international humanitarian problems and in the promotion and protection of human rights

9. Human rights and income distribution

10. Protection of minorities

11. Cultural and intellectual property of indigenous peoples

12. Working Group on Indigenous Populations

13. Question of the privatization of prisons

14. Study on treaties, agreements and other constructive arrangements between States and indigenous populations.

152. Annex IV to the report of the Sub-Commission contains the resolutions and decisions of the Sub-Commission which are drawn to the Commission's attention for its consideration or action.

153. In its resolution 1993/28, the Commission called upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council and requested the Chairman of the Sub-Commission at its forty-fifth session to report to the Commission at its fiftieth session on the progress made concerning the issues referred to in the resolution and on significant aspects of the work of the Sub-Commission.

154. In the same resolution, the Commission invited its Chairman to inform the Sub-Commission on the debate under this item.

155. At its forty-fifth session, the Sub-Commission adopted resolution 1993/4, entitled "Methods of work of the Sub-Commission", in which it decided to

convene during its forty-sixth session a sessional working group to continue the study of its methods of work.

156. The Sub-Commission also adopted resolution 1993/5 in which it requested the Secretary-General to continue to seek the views of states concerning the draft programme of action for the prevention of traffic in persons and exploitation of the prostitution of others for submission to the Commission at its fiftieth session (para. 18).

157. At the present session, the Commission will have before it under this item the following documents:

Report of the Sub-Commission on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45);

Report of the Secretary-General containing a summary of comments concerning the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others (E/CN.4/1994/71);

Report of the Chairman of the Sub-Commission pursuant to Commission resolution 1993/28 (E/CN.4/1994/70).

Item 18. Rights of persons belonging to national or ethnic, religious and linguistic minorities

158. The Commission has continued to examine this question since its thirty-fourth session.

159. At its forty-seventh session, the General Assembly in its resolution 47/135, adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

160. At its forty-ninth session, the Commission adopted resolution 1993/24, in which it called upon all States to promote and give effect as appropriate to the principles contained in the Declaration , urged all treaty bodies and special representatives, special rapporteurs and working groups of the Commission and the Sub-Commission to give due regard to the Declaration and called upon the Secretary-General to make available, at the request of Governments, as part of the programme of advisory services and technical assistance of the Centre for Human Rights, qualified experts to assist in existing or potential situations involving minorities.

161. The Sub-Commission has also examined this question since its thirty-second session.

162. At its forty-fifth session, having considered the final report submitted by Mr. Eide (E/CN.4/Sub.2/1993/34 and Add.1-4), the Sub-Commission adopted resolution 1993/43, in which it recommended to the Commission on Human Rights to study the proposal contained in recommendation 44 of the report aimed at the establishment of a working group on minority issues open to representatives of both Governments and minorities, and the mandate to be given to such a group; and to study and to give advice to the Centre for Human

Rights concerning recommendations 46 and 47 of the report, in particular on ways in which the programme of technical assistance and advisory services could help in the prevention of group conflicts. The Sub-Commission entrusted Mr. Asbjorn Eide with the task of preparing a working paper containing suggestions for such a programme.

163. At the present session, the Commission will have before it the report of the Secretary-General on the implementation of Commission resolution 1993/24 (E/CN.4/1994/72).

164. The Commission will have before it draft decision 10, contained in chapter I, section B, of the report of the Sub-Commission on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45).

Item 19. Advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights

165. At its forty-ninth session, the Commission adopted resolution 1993/87, in which it requested the Secretary-General to pursue his efforts towards a comprehensive plan for advisory services and technical cooperation in the field of human rights, to appoint a Board of Trustees for the Voluntary Fund for Technical Cooperation to advise the Secretary-General on the administration and operation of the Voluntary Fund, and to include the report of the Board of Trustees in his annual report to the Commission. The Commission also requested the Secretary-General to report annually to the Commission on the implementation of the programme of advisory services and technical assistance in the field of human rights and on the operation and administration of the Voluntary Fund for Technical Cooperation in the Field of human Rights.

166. The attention of the Commission is also drawn to the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, which mentions activities to be included in the programme for advisory services and technical assistance and calls for an enhanced programme for advisory services and technical assistance in the field of human rights.

167. At the present session, the Commission will have before it the report of the Secretary-General on advisory services and technical assistance and on the administration and operation of the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1994/78 and Add. 1).

Situation of human rights in Cambodia

168. In accordance with the request contained in Commission resolution 1993/6 (see para. 46 above), the Centre for Human Rights is Currently in the process of establishing a permanent human rights office in Phnome Penh, information concerning which is contained in the report of the Secretary-General submitted under this item (E/CN.4/1994/78).

169. The Commission until will also have before it the report of the special Representative of the Secretary-General (E/CN.4/1994/73).

Situation of human rights in Albania

170. At its forty-ninth session, the Commission adopted resolution 1993/65, in which it requested the Secretary-General to bring the resolution to the attention of the Government of Albania and to invite the Government to provide information regarding its implementation, and to report to the Commission at its fiftieth session. The Commission decided to continue its consideration of the human rights situation in Albania at its fiftieth session under the agenda item "Advisory services in the field of human rights".

171. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/1994/75).

Situation of human rights in Romania

172. At its forty-ninth session, the Commission adopted resolution 1993/72, in which it requested the Secretary-General to invite the Government of Romania to provide information regarding the implementation of the resolution and to forward such information, together with relevant information from intergovernmental and non-governmental organizations, to the Commission. The Commission also decided to continue its consideration of assistance to the Government of Romania in the field of human rights at its fiftieth session under the agenda item "Advisory services in the field of human rights".

173. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/1994/76).

Assistance to Somalia in the field of human rights

174. At its forty-ninth session, the Commission adopted resolution 1993/86, in which it requested the Secretary-General to appoint, for a period of one year, an independent expert to assist the Special Representative of the Secretary-General for Somalia through development of a long-term programme of advisory services for re-establishing human rights and the rule of law, including a democratic constitution, as well as the eventual holding of periodic and genuine elections by universal suffrage and secret ballot. The Commission requested the independent expert to submit for consideration by the Commission at its fiftieth session a report on the conditions in Somalia.

175. At the present session, the Commission will have before it the report of the independent expert (E/CN.4/1994/77).

Item 20. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

176. After the proclamation by the General Assembly in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55), consideration of measures to implement the Declaration was taken up, at the request of the Assembly, by the Commission and the Sub-Commission.

177. At its forty-second session, in resolution 1986/20, the Commission decided to appoint a special rapporteur to examine incidents and governmental

actions which were inconsistent with the provisions of the Declaration. Mr. Angelo Vidal D'Almeida Ribeiro (Portugal) was appointed Special Rapporteur; his mandate was extended by the Commission at subsequent sessions and, in resolution 1992/17, for three years.

178. Following the resignation of Mr. D'Almeida Ribeiro during the forty-ninth session of the Commission, the Chairman appointed Mr. Abdelfattah Amor (Tunisia) as Special Rapporteur. At the same session, in resolution 1993/25, the Commission encouraged the Special Rapporteur to further examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate. The Secretary-General was requested to report to the Commission at its fiftieth session on measures taken to implement resolution 1993/25.

179. At its present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/79) and the report of the Secretary-General (E/CN.4/1994/80).

Item 21. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

180. At its fortieth session, the Commission, by its decision 1984/116, decided to establish an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

181. At its forty-ninth session, the Commission adopted resolution 1993/92, in which it urged the working group to make every effort to complete its task and submit the draft declaration to the Commission at its fiftieth session. The Economic and Social Council, by its resolution 1993/47, authorized the working group to meet for a period of two weeks prior to the fiftieth session of the Commission.

182. At its fiftieth session, the Commission will have before it the report of the working group (E/CN.4/1994/81).

Item 22. Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;,

(b) Report of the Special Rappcrteur on the sale of children;

(c) Programme of Action for the Elimination of the Exploitation of Child Labour;

(d) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography.

Sub-item (a) Status of the Convention on the Rights of the Child

183. At its forty-ninth session, the Commission adopted resolution 1993/78, in which it requested the Secretary-General to submit a report on the status of the Convention on the Rights of the Child to the Commission at its fiftieth session.

184. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/1994/83).

Sub-item (b) Report of the Special Rapporteur on the sale of children

185. At its forty-sixth session, the Commission adopted resolution 1990/68, in which it decided to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. On 10 September 1990, the Chairman of the Commission appointed Mr. Vitit Muntarbhorn (Thailand) as Special Rapporteur of the Commission on the sale of children.

186. The Commission at its forty-eighth session adopted resolution 1992/76, in which it decided to extend the mandate of the Special Rapporteur for three years, while maintaining the annual reporting cycle. The Economic and Social Council, in its decision 1992/244, approved the resolution.

187. At its forty-ninth session, the Commission adopted resolution 1993/82 in which it requested the Special Rapporteur to continue to pay particular attention to areas which are still insufficiently documented and to set priorities of short and medium term in his recommendations to the Commission.

188. At its present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1994/84).

Sub-item (c) Programme of Action for the Elimination of the Exploitation of Child Labour

189. At its forty-ninth session, the Commission, by resolution 1993/79, adopted the Programme of Action on the Elimination of the Exploitation of Child Labour. The Commission requested the Sub-Commission to submit to the Commission every two years a progress report on the implementation of the

Programme of Action by all States and decided to consider the question of the implementation of the Programme of Action every two years.

Sub-item (d) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

190. At its forty-eighth session, the Commission, by its resolution 1992/74, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. The Commission requested all States to inform the Sub-Commission periodically of measures adopted to implement the Programme of Action and on the efficacy of such measures and also requested the Sub-Commission to submit every two years a report to Commission on the state of implementation of the Programme of Action by all States.

191. At its forty-ninth session, the Sub-Commission adopted resolution 1993/5 concerning the implementation of the Programme of Action.

192. At the present session, the Commission will have before it the note by the Secretariat, transmitting the report of the Secretary-General (E/CN.4/Sub.2/1993/31 and Add.1) which contains the replies received from States concerning the implementation of the Programme of Action (E/CN.4/1994/82).

Item 23. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

193. In accordance with Economic and Social Council resolution 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986 and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission on Human Rights, at its forty-fourth session in 1988, elected 26 members of the Sub-Commission, as well as their alternates, from nominations of experts made by States Members of the United Nations on the following basis: seven members from African States; five members from Asian States; three members from Eastern European States; five members from Latin American States; six members from Western European and other States.

194. Pursuant to the procedure established in Council resolution 1986/35, members of the Sub-Commission were to be elected for a term of four years and half of its membership and the corresponding alternates, if any, were to be elected every two years.

195. As the term of office of half of the membership of the Sub-Commission has expired, the Commission is called upon to elect Sub-Commission members and alternates in accordance with the following pattern: three members from African States; three members from Asian States; one member from an Eastern European State; three members from Latin American States; and three members from Western European and other States.

196. At its fiftieth session, the Commission will have before it a note by the Secretary-General (E/CN.4/1994/85 and addenda) containing the names and biographical data of the candidates nominated for election by Member States.

197. In its resolution 1993/28, the Commission called upon States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Sub-Commission. The Sub-Commission, in its resolution 1987/32, recommended that the Commission on Human Rights try and prevail upon all Governments to nominate more women for election to the Sub-Commission.

198. The attention of the Commission is drawn to Economic and Social Council resolution 1983/32, by which the Council decided that, notwithstanding paragraph 2 of article 13, of the rules of procedure of the functional commissions of the Council, certain rules should henceforth apply to the Sub-Commission. Under these rules, the nomination of a candidate for membership of the Sub-Commission may be accompanied by a nomination of an expert of the same nationality, to be elected simultaneously with the candidate for membership, and who may serve temporarily as an alternate if the member is unable to attend; the qualifications for alternates are to be same as for members and no person may serve as an alternate for a member except the expert so elected.

Item 24. Draft provisional agenda for the fifty-first session of the Commission

199. Rule 9 of the rules of procedure of the functional commissions of the Economic and Social Council provides that, at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to its work and of their urgency and relevance in the light of the current situation.

200. The Commission will have before it, before the conclusion of the fiftieth session, a note for its consideration containing a draft provisional agenda for its fifty-first session, together with information concerning the corresponding documentation (E/CN.4/1994/L.1).

Item 25. Report to the Economic and Social Council on the fiftieth session of the Commission

201. Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.